

REMARKS

I. Introduction

This Application has been carefully reviewed in light of the Office Action mailed July 25, 2006. At the time of the Office Action, Claims 1-10, 19-21, 23-35, and 38-43 were pending in this Application. Claims 1-10, 19-21, 23-35, and 38-43 were rejected. No amendments to the claims are submitted. Claims 11-18, 22, 36, and 37 have been previously cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

II. PTO Form 892

Certain claims have been rejected under 35 U.S.C. § 103(a) as being unpatentable in view of U.S. Patent 5,798,945 issued to George Benda ("Benda"); however, this reference has neither been identified on a PTO-Form 892, nor was it a reference submitted by Applicants on a PTO-Form 1449. Applicants respectfully request that U.S. Patent 5,798,945 be listed on a PTO-Form 892 in the next action.

III. Rejections under 35 U.S.C. §103

A. Introduction

Claims 1-10, 19-21, 23, 25-35, and 38-43 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,385,297 issued to Alan D. Rein *et al.* ("Rein"), in view of U.S. Patent 5,798,945 issued to George Benda ("Benda"). Claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over Rein, in view of Benda, and further in view of U.S. Patent 5,774,052 issued to Dennis Hamm *et al.* ("Hamm"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, do not render the claimed embodiment of the invention obvious.

B. Standard to Establish *Prima Facie* Obviousness

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. **Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants' disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

C. Teachings of the Rein and Benda Cited Art

1. Rein

Rein is directed to "an air conditioning system, and more particularly, to a wireless communication system between the air distribution controllers and the zone temperature sensors in the zone to be controlled." (Rein, Col. 1, lines 1-5) Consequently, and the Examiner has agreed, the only "event or condition" monitored by Rein's system is ambient air temperature in a room of an office building -- nothing else (hence, the Examiner's citation to Benda). Since Rein only discloses an air temperature sensor, it follows that Rein's "central receiver 66" only receives one type of condition or event signal, *i.e.*, an air temperature related telemetry signal. Thus, Rein's "central receiver 66" only receives and processes air temperature related telemetry signals. As a result, Rein's "central receiver 66" neither receives nor processes pressure, level, and/or emission related signals.

2. Benda

Benda cited by the Examiner is directed to “[s]mall modules directly situated at power outlets in buildings, that contain at least one sensor [to] gather and report local environmental data . . . The local modules report data back over existing building power wiring to a central unit.” (Benda, Abstract, Lines 1-7) (emphasis added). Thus, Benda not only powers its sensors with AC building power (not batteries), but also uses the “building power wiring” to “report data back . . . to a central unit.” And Benda expressly teaches that “[i]f some remote unit 1 is to be located where communication is impossible over building power wiring, special twisted pair wiring 3 can be used for that remote unit.” (Benda, Col. 3, lines 9-13) (emphasis added).

All independent claims of Benda are consistent with and confirm this fully AC “wired” understanding of the Benda system: Claim 1 – “said prongs of the type that insert into standard building power receptacles;” Claim 7 – “whereby the unit can be plugged into any standard electrical outlet;” Claim 13 – “said prongs of the type that insert into a standard building power receptacle.” Therefore, it is clear that Benda teaches a completely hard-wired AC powered system.

D. The Claimed Invention is Nonobvious

1. Rein and Benda are NOT Properly Combinable

Benda and Rein work on completely different principles and are not properly combinable. Indeed, assuming Rein only teaches a wireless battery powered system as assumed by the Examiner (albeit improperly), Rein and Benda are both directed to solving the same problem, *e.g.*, temperature monitoring/reporting in a building, and each address the problem in different contrasting non-combinable ways. Rein appears to prefer (while bot required as discussed below) to monitor and report air temperatures via a battery powered sensor and a wireless transmitter. Whereas Benda prefers to monitor and report building temperatures via a sensor powered with AC building power and report, not via a transmitter, but back over the building AC power wiring. These are two alternative methodologies working on completely different principles to monitor and report building temperature data. Combination would not

seem to be proper and/or reasonable, *i.e.*, one of ordinary skill in the art would use one or the other to monitor and report temperature data in a building, not modify one reference in some ways to mirror characteristics of the other reference that works on a different principle. (See MPEP §2143.02.) Indeed, Rein's "central receiver 66" would require modification to either receive and process Benda's AC wired data from Benda's AC powered non-temperature sensors and/or modified to communicate with and process Benda's non-temperature related data being received by and subsequently reported via Benda's "central logging unit 4" to Rein's "central receiver 66." One of ordinary skill in the art would choose a single receiving and processing system and choose the most efficient means to handle all types of data, *i.e.*, use an existing system, not modify one to work with another central unit. Consequently, Rein and Benda are not properly combinable.

2. Combination of Rein and Benda Would NOT Yield the Claimed Invention

Assuming combination of the teachings of Rein and Benda is proper, which Applicants do not concede, the combination of the teachings would not yield the presently claimed embodiment of the invention. For example, one of ordinary skill in the art starting with Rein's building temperature monitoring and reporting system as the Examiner does, and knowing of Benda's AC powered system for monitoring and reporting building temperatures and other building conditions, and desiring to monitor temperature plus other building conditions, would choose 1 of 2 options. (1) Continue to use Rein's wireless building temperature monitoring and reporting system and simply "plug-in" Benda's non-temperature related AC wired sensors into AC outlets in rooms where Rein's air temperature system is already located because Rein expressly teaches the use of AC powered sensors: "[t]he power source 59 can also be a wired connection to an AC power source." (Rein, Col. 8, lines 43 - 45).

Of course, Rein's "central receiver 66" would also have to be modified or set up in communication with Benda's "central data logging unit 4" that is in communication with the remote units 1 via the building AC wiring system. Note, Rein's "central unit" is not configured

to process any data other than temperature data and would have to be modified also. (See discussion above concerning the impropriety of the art combination.)

(2) Or alternatively, one of ordinary skill in the art would completely drop Rein's wireless temperature monitoring and reporting system and use Benda's system utilizing AC power and the building's AC power wiring to report all data back to Brenda's "central logging unit 4." As noted, Rein expressly teaches that the Rein sensors can be AC powered when desired, *e.g.*, when AC power is available: "[t]he power source 59 can also be a wired connection to an AC power source ." (Rein, Col. 8, lines 43-45). And since Rein is directed to the comfort of workers in offices of a building, and AC power outlets are typically readily available in office buildings, the combination of Rein and Benda would yield an AC powered system using AC power outlets. Under this combination, Benda's wired "central logging unit 4" would be utilized to receive all data, *i.e.*, Rein's "central [temperature data] receiver 66" would not have to be modified or even utilized.

Thus, one of ordinary skill in the art knowing of Rein's "AC power source 59" embodiment would, in light of Benda's exclusively AC powered system, be taught to use a AC powered system, not a wireless or wireless/AC wired combined system (with the resulting central signal processing problems). This conclusion is supported by the fact that option (2) set forth above would only require one "central unit" and/or would not require modification of one of the disclosed "central units" of Rein and/or Benda to handle data received via telemetry and data received via building power lines. Consequently, Applicants respectfully submit that if Rein and Benda were combined, the proper combination would yield a fully wired or AC powered system with data reporting, *e.g.*, via the AC power wiring without the use of battery powered transmitters.

3. Claims 1 - 10, 19 - 21, and 23 - 32 are Nonobvious over Rein/Benda

The presently claimed embodiment of Claim 1 (and claims 2 - 10, 19 - 21, and 23- 32 dependent thereon) of the invention is directed, *inter alia*, to a battery-powered transmission system useful under conditions, *e.g.*, where an AC power source or AC power outlet is present to

monitor not just temperatures inside a plant or building (where AC power outlets are prevalent), but to monitor and report emissions, pressures, levels, and temperatures inside and/or outside a plant or building. Many times an AC power source and/or outlet is not available at an outside location that needs monitoring, *e.g.*, a pipe flange located outside one (1) mile from the central processing location (and running power cables would be expensive and require shutting down the plant -- many applications require such cables to be buried in the ground).

Claim 1 is distinguishable over the cited art because it is clearly directed to a wireless battery powered transmission system. For example, Claim 1 claims "first and second detectors . . . the first detector comprising a temperature detector, and the second detector comprising a detector to detect a condition or event selected from the group consisting of a fugitive emission, a level, and a pressure [and] at least two battery-powered radio frequency transmitters . . . in electrical communication with the first and second detectors, said transmitters . . . wirelessly transmitting signals relative to . . . the detectors, and condition of the batteries." Therefore, Claim 1 requires a first battery-powered temperature transmitter to transmit temperature data signals AND a second battery-powered transmitter to transmit emissions, power, or level data signals. As shown above, under either combination of the cited art references, AC power from building wiring is utilized to monitor and report non-temperature related data back to a central unit. In fact, following the most plausible and thus, proper combination of the teachings of Rein and Benda, an entirely AC powered system would result (1) as expressly envisioned by Rein at Col. 8, lines 43 - 45 ("[t]he power source 59 can also be a wired connection to an AC power source"), and (2) as expressly required by all Benda embodiments. Thus, the Examiner's prior art combination fails to teach a battery-powered transmission system wherein temperature AND at least one other parameter, *e.g.*, pressure, level, and/or emissions are monitored and reported wirelessly, *i.e.*, via battery powered transmitters. Consequently, the Examiner has failed to establish a *prima facie* case of obviousness. Applicants request withdrawal of the rejection and favorable action with regard to Claims 1-10, 19 - 21, 23, and 25 - 32.

4. Claims 5, 6, 9, 10 and 32 are Nonobvious for Additional Reasons

In addition, and with respect to Claims 5, 6, 9, 10 and 32, Applicants further note that these claims were rejected over Rein/Benda and because “900 megahertz spread spectrum transmitters” were “conventional in the art.” It is worth noting that while the use of 900 megahertz spread spectrum transmitters may be conventional in the art today, *e.g.*, 2006, they were not conventional in the art at the time of the invention or on the filing date of the subject matter in the present application supporting the use of 900 megahertz spread spectrum transmitters, *e.g.*, November 17, 1994. (See page 1, lines 14-18 and page 24, lines 1-6.) Indeed, it is noted that none of the prior art cited by the Examiner, *i.e.*, neither Rein, Benda, nor Hamm teach the use of a 900 megahertz spread spectrum transmitter. Applicants submit none refer to a 900 megahertz spread spectrum transmitter because the use of such was not conventional on the filing dates of these references, *i.e.*, 1993 (divisional of application filed in 1991), 1997 (a continuation-in-part of an application filed in 1996), and February 8, 1996. Support for the Applicants’ 900 megahertz spread spectrum transmitter dates back at least to November 17, 1994, wherein the Applicants first described and claimed the use of a 900 megahertz spread spectrum transmitter in their particular application -- the present application is a continuation of that November 17, 1994, application. Applicants submit the use of a 900 megahertz spread spectrum transmitter, especially battery powered, was not conventional as of the invention date of the presently claimed invention. Reconsideration of the rejection on this particular basis (and the basis set forth above) is requested. **In addition, Applicants, for the second time pursuant to MPEP §2144.03 C, demand the Examiner produce documentary evidence supporting the assertion that the use of 900 megahertz transmitters in the Applicant’s claimed system was “conventional in the art” at the time of the present invention.**

5. Claims 19, 20, 23, 30, and 31 are Nonobvious for Additional Reasons

Claim 19 was rejected on page 7 of the Office Action as obvious over Rein in light of Benda. Claim 19 is directed to the system of Claim 1, “**wherein at least one of the detectors is positioned in communication with a pipe.**” (emphasis added) As admitted by the Examiner,

Rein is directed to monitoring and reporting general air temperatures from a room or office of a building. Rein teaches nothing in regards to a sensor in communication with a pipe. In fact, that would be contrary to Rein's purpose of monitoring the general air environment to ensure the comfort of workers in an office building. Likewise, Benda fails to disclose anything in relation to a detector in communication with a pipe. Benda, like Rein, is focused upon monitoring the general air environment to ensure the safety of workers in that environment and is not concerned with conditions, *e.g.*, within a pipe and thus, discloses nothing in regards to detectors in communication with a pipe.

And, as set for the above, the combination of Rein and Benda yields an AC powered transmission system which transmits data over AC power lines and Claim 19, dependent on Claim 1, is directed to, *inter alia*, "at least two battery-powered radio frequency transmitters . . . wirelessly transmitting signals." The Examiner has failed to establish a *prima facie* case of obviousness. Withdrawal of the rejection and allowance of claim 19 is requested.

Claim 20 was rejected on page 7 of the Office Action as obvious over Rein in light of Benda. Claim 20 is directed to the system of Claim 1, "**wherein at least one of the detectors is positioned in communication with a valve in said plant.**" (emphasis added) As admitted by the Examiner, Rein is directed to monitoring and reporting air temperatures from a room or office of building. Rein teaches nothing in regards to a sensor in communication with a valve. In fact, that would be contrary to Rein's purpose of monitoring the general environment to ensure the comfort of workers in an office building. Likewise, Benda fails to disclose anything in relation to a detector in communication with a valve. Benda, like Rein, is focused upon monitoring the general air environment to ensure the safety of workers in that environment and is not concerned with conditions, *e.g.*, within a valve and thus, discloses nothing in regards to detectors in communication with a valve.

Moreover, as set for the above, the combination of Rein and Benda yields an AC powered transmission system which transmits data over AC power lines. Claim 20, dependent on Claim 1, is directed to, *inter alia*, "at least two battery-powered radio frequency transmitters .

. . wirelessly transmitting signals.” The Examiner has failed to establish a *prima facie* case of obviousness. Withdrawal of the rejection and allowance of claim 20 is requested.

Claim 23 was rejected on page 7 of the Office Action as obvious over Rein in light of Benda. Claim 23 is directed to the system of Claim 1, “**wherein the second detector detects a pressure.**” (emphasis added) As admitted by the Examiner, Rein is directed to monitoring and reporting general air temperatures from a room or office of a building. Rein teaches nothing in regards to the monitoring or detection of a pressure. Likewise, Benda fails to disclose anything in relation to a pressure detector. Benda, like Rein, is focused upon monitoring the general air environment to ensure the safety of workers in that environment and is not concerned with pressure conditions and discloses nothing in regards to pressure detection.

As set for the above, the combination of Rein and Benda yields an AC powered transmission system which transmits data over AC power lines. Claim 23, dependent on Claim 1, is directed to, *inter alia*, “at least two battery-powered radio frequency transmitters . . . wirelessly transmitting signals.” The Examiner has failed to establish a *prima facie* case of obviousness. Withdrawal of the rejection and allowance of Claim 23 is requested.

Claim 24 was rejected on page 7 of the Office action as obvious over Rein in view of Benda and further in view of Hamm. Claim 24 is dependent on Claim 1 and claims “wherein the second detector detects level.” The Examiner states and Applicants agree, “[n]either Rein nor Benda discloses detecting a level.” The combination of Rein and Benda fails to teach and/or suggest the subject matter of Claim 1 on which Claim 24 is dependent. Hamm fails to fill the gap of Rein and Benda. And Hamm is directed to “ambient light level” detection, not a level of a material. One of ordinary skill in the art reading Claim 24 in light of the present specification does not come to the conclusion that “ambient light level” is covered by the claim; to the contrary, the term “level” refers to the level of a material in an enclosure, *e.g.*, a liquid level in a tank. This conclusion is clear to one of ordinary skill in the art because the present invention is expressly directed to the chemical, petrochemical, oil and gas, and food industries and **not** to the ATM parking lot art of Hamm.

As set for the above, the combination of Rein and Benda yields an AC powered transmission system which transmits data over AC power lines. Claim 24, dependent on Claim 1, is directed to, *inter alia*, “at least two battery-powered radio frequency transmitters . . . wirelessly transmitting signals.” The Examiner has failed to establish a *prima facie* case of obviousness. Withdrawal of the rejection and allowance of Claim 24 is requested.

Claim 30 was rejected on page 7 of the Office Action as obvious over Rein in light of Benda. Claim 30 is directed to the system of Claim 1, “**wherein at least one of the detectors is positioned in communication with a pipe enclosure.**” (emphasis added) As admitted by the Examiner, Rein is directed to monitoring and reporting general air temperatures from a room or office of a building. Rein teaches nothing in regards to a sensor in communication with a pipe enclosure. In fact, that would be contrary to Rein’s purpose of monitoring the general environment to ensure the comfort of workers sitting in their office. Likewise, Benda fails to disclose anything in relation to a detector in communication with a pipe enclosure. Benda, like Rein, is focused upon monitoring the general air environment to ensure the safety of workers in that environment and is not concerned with conditions, *e.g.*, within a pipe enclosure and thus, discloses nothing in regards to detectors in communication with a pipe enclosure.

And, as set for the above, the combination of Rein and Benda yields an AC powered transmission system which transmits data over AC power lines. Claim 30, dependent on Claim 1, is directed to, *inter alia*, “at least two battery-powered radio frequency transmitters . . . wirelessly transmitting signals.” The Examiner has failed to establish a *prima facie* case of obviousness. Withdrawal of the rejection and allowance of Claim 30 is requested.

Claim 31 was rejected on page 7 of the Office Action as obvious over Rein in light of Benda. Claim 31 is directed to the system of Claim 1, “**wherein at least one of the detectors is positioned in communication with a valve stuffing box enclosure.**” (emphasis added) As admitted by the Examiner, Rein is directed to monitoring and reporting air temperatures from a room or office of a building. Rein teaches nothing in regards to a sensor in communication with a valve stuff box enclosure. In fact, that would be contrary to Rein’s purpose of monitoring the general environment to ensure the comfort of workers in an office of a building. Valve stuffing

box enclosures are rarely located in an office of an office building. Likewise, Benda fails to disclose anything in relation to a detector in communication with a valve stuffing box enclosure. Benda, like Rein, is focused upon monitoring the general air environment to ensure the safety of workers in that environment and is not concerned with conditions, *e.g.*, within a valve stuffing box enclosure and thus, discloses nothing in regards to detectors in communication with a valve stuff box enclosure.

And, as set for the above, the combination of Rein and Benda yields an AC powered transmission system which transmits data over AC power wiring. Claim 31, dependent on Claim 1, is directed to, *inter alia*, “at least two battery-powered radio frequency transmitters . . . wirelessly transmitting signals.” The Examiner has failed to establish a *prima facie* case of obviousness. Withdrawal of the rejection and allowance of Claim 31 is requested.

6. Claims 33 is Nonobvious over Rein

Claim 33 (and thus claims 34, 35, and 38 - 43) is (are) directed to, among other things, “a detector . . . operable when voltage from a battery is applied thereto [or a battery powered detector] and monitoring and/or detecting an event or condition in the plant relating to **an enclosed material** in the plant.” (emphasis added) The Examiner cited Claim 33 has claiming “**an enclosure** and/or an enclosed material in the building.” (Office Action , page 5)(emphasis added) And in relation to Claims 36 and 37 (previously dependent on Claim 33), and limiting the “enclosure” limitation of Claim 33, the Examiner rejected them stating, “[t]he monitored and/or detected event and/or condition disclosed in Rein relates to **an enclosure, which is the building and/or room.**” (Pages 6 and 7, emphasis added) It should be noted that Claim 33 was previously amended to eliminate “the relates to an enclosure” language and now only specifically states “an enclosed material in the plant.” (See above.) And more importantly, rejected Claims 36 and 37 where previously canceled in Applicants’ last Office Action Response.

Claim 33 is directed to “enclosed materials” not merely an enclosure, which the Examiner equates with a building or a room. Indeed, one of ordinary skill in the art reading the

present specification understands the claimed “enclosed materials,” as disclosed in the present specification, includes chemicals, petrochemicals, foods, and oils and gases (page 3, lines 1 - 16) -- not mere air “enclosed” in a room as disclosed by Rein. And examples of the “enclosures” in which the “enclosed materials” are enclosed are clearly disclosed in the present specification and include pipes, tanks and valve stuffing boxes (*passim*) -- not a mere room in a building as disclosed by Rein. Applicants submit it is unreasonable to read an “enclosed material” on air existing in an office of an office building. One of ordinary skill in the art reading the current specification understands the claimed invention is directed to enclosed materials, for example, chemicals, petrochemicals, foods, and oil and gas. Applicants submit the Examiner has not established a *prima facie* case of obviousness and asserts the correct (previously amended) language of Claim 33 (and hence Claims 34, 35, and 38 - 43) distinguishes over Rein’s office building room air temperature monitoring system.

7. Claims 34, 35 and 38 - 41 are Nonobvious for Additional Reasons

Claim 34 is directed to the system according to Claim 33, “wherein the enclosed material is **enclosed in a pipe.**” (emphasis added) Claim 34 was rejected on page 7 of the Examiner’s rejection over Rein in view of Benda. As admitted by the Examiner, Rein is directed to monitoring and reporting air temperatures in a room in an office building. Rein teaches nothing in regards to monitoring any data relating to a material enclosed in a pipe. Likewise, Benda fails to disclose anything in relation to a material enclosed in a pipe. Benda, like Rein, is focused upon monitoring the general air environment to ensure the safety of workers in that environment and is not concerned with conditions, *e.g.*, within a pipe and thus, discloses nothing in regards to detectors to detect conditions or events related to a material enclosed in a pipe, *e.g.*, separated from the environment of a human.

Moreover, as set for the above, the combination of Rein and Benda yields an AC powered transmission system which transmits data over AC power lines. Claim 34, dependent on Claim 33, is directed to, *inter alia*, a “transmitter operable when voltage from the battery is

applied thereto . . . the transmitter wirelessly transmitting signals.” The Examiner has failed to establish a *prima facie* case of obviousness. Withdrawal of the rejection and allowance of claim 34 is requested.

Claim 35 is directed to the system according to Claim 33, “wherein the enclosed material is **enclosed in a valve stuffing box.**” (emphasis added) Claim 35 was rejected on page 7 of the Examiner’s rejection over Rein in view of Benda. As admitted by the Examiner, Rein is directed to monitoring and reporting air temperatures in a room of an office building. Rein teaches nothing in regards to monitoring any data relating to a material enclosed in a valve stuffing box. Likewise, Benda fails to disclose anything in relation to monitoring a material enclosed in a valve stuffing box. In fact, Benda, like Rein, only discloses monitoring general environment conditions that effect a human sitting in his/her office, not the condition of an enclosed material separated from the general environment of a human.

Moreover, as set for the above, the combination of Rein and Benda yields an AC powered transmission system which transmits data over AC power lines. Claim 35, dependent on Claim 33, is directed to, *inter alia*, a “transmitter operable when voltage from the battery is applied thereto . . . the transmitter wirelessly transmitting signals.” The Examiner has failed to establish a *prima facie* case of obviousness. Withdrawal of the rejection and allowance of claim 35 is requested.

Claim 38 is directed to the system according to Claim 33, “**wherein the enclosed material is a liquid and the detector monitors and/or detects level.**” (emphasis added) Claim 38 was rejected on page 7 of the Examiner’s rejection over Rein in view of Benda. As admitted by the Examiner, Rein is directed to monitoring and reporting air temperature data from an office in an office building. Rein teaches nothing in regards to monitoring any data relating to an enclosed liquid or the level of an enclosed liquid. Likewise, Benda fails to disclose anything in relation to monitoring an enclosed liquid or its level in an enclosure and always requires his sensors, like Rein, to monitor general air environment conditions, not the level of an enclosed liquid as claimed. Neither reference teachings anything about monitoring anything but the general air in an office building that might effect the comfort/safety of a human. In addition, the

Examiner has admitted: **“Neither Rein nor Benda disclose detecting a level.”** (Office Action, page 7)

Moreover, as set for the above, the combination of Rein and Benda yields an AC powered transmission system which transmits data over AC power lines. Claim 38, dependent on Claim 33, is directed to, *inter alia*, a “transmitter operable when voltage from the battery is applied thereto . . . the transmitter wirelessly transmitting signals.” The Examiner has failed to establish a *prima facie* case of obviousness. In addition, the Examiner has expressly admitted the cited art does not disclose the claimed invention. Withdrawal of the rejection and allowance of claim 38 is requested.

Claim 39 is directed to the system according to Claim 33, **“wherein the detector monitors and/or detects pressure.”** (emphasis added) Claim 39 was rejected on page 7 of the Examiner’s rejection over Rein in view of Benda. As admitted by the Examiner, Rein is directed to monitoring and reporting air temperatures from a room of an office building. Rein teaches nothing in regards to monitoring any data relating to an enclosed material or the monitoring or detection of a pressure of, *e.g.*, an enclosed material. Likewise, Benda fails to disclose anything in relation to monitoring an enclosed material or a pressure relating to a material. Benda’s sensors are AC powered and, like Rein, only monitor general air environment conditions, not a parameter relating to a pressure or an enclosed material as claimed. Neither reference teachings anything about monitoring anything, but the general air in an office building for the comfort and safety of employees.

Moreover, as set for the above, the combination of Rein and Benda yields an AC powered transmission system which transmits data over AC power lines. Claim 39, dependent on Claim 33, is directed to, *inter alia*, a “transmitter operable when voltage from the battery is applied thereto . . . the transmitter wirelessly transmitting signals.” The Examiner has failed to establish a *prima facie* case of obviousness. Withdrawal of the rejection and allowance of claim 39 is requested.

Claim 40 is directed to the system according to Claim 33, **“wherein the detector monitors and/or detects temperature.”** (emphasis added) Claim 40 was rejected on page 7 of

the Examiner's rejection over Rein in view of Benda. As admitted by the Examiner, Rein is directed to monitoring and reporting air temperatures from a room in an office building. Rein teaches nothing in regards to monitoring any data relating to an enclosed material or the monitoring or detection of a temperature and an enclosed material. Air existing in a room is not an enclosed material as that term is used in the present application. Likewise, Benda fails to disclose anything in relation to monitoring an enclosed material or a temperature and an enclosed material. Benda's air sensors are AC powered and, like Rein, only monitor general air environment conditions, not the temperature of an enclosed material as claimed. Neither reference teachings monitoring anything other than the general air in an office building for the comfort and safety of employees.

Moreover, as set for the above, the combination of Rein and Benda yields an AC powered transmission system which transmits data over AC power lines. Claim 40, dependent on Claim 33, is directed to, *inter alia*, a "transmitter operable when voltage from the battery is applied thereto . . . the transmitter wirelessly transmitting signals." The Examiner has failed to establish a *prima facie* case of obviousness. Withdrawal of the rejection and allowance of claim 40 is requested.

Claim 41 is directed to the system according to Claim 33, "**wherein the detector monitors and/or detects more than one event and/or condition.**" (emphasis added) Claim 41 was rejected on page 7 of the Examiner's rejection over Rein in view of Benda. As admitted by the Examiner, Rein is directed to monitoring and reporting of air temperatures from a room in an office building. Rein teaches nothing in regards to monitoring any data relating to an enclosed material or the monitoring or detection of anything in addition to temperature. Likewise, Benda fails to disclose anything in relation to monitoring an enclosed material. And Benda's air sensors only detect a single condition at a time, *i.e.*, Benda does not disclose a sensor that detects two or more conditions and/or events. Benda's air sensors are AC powered and, like Rein, only monitor general air environment conditions, not two or more conditions and an enclosed material as claimed. Neither reference teachings monitoring anything other than monitoring the general air in an office building for the comfort and safety of employees.

Moreover, as set for the above, the combination of Rein and Benda yields an AC powered transmission system which transmits data over AC power lines. Claim 41, dependent on Claim 33, is directed to, *inter alia*, a “transmitter operable when voltage from the battery is applied thereto . . . the transmitter wirelessly transmitting signals.” The Examiner has failed to establish a *prima facie* case of obviousness. Withdrawal of the rejection and allowance of claim 41 is requested.

Claim 42 is directed to the system according to Claim 33, “**wherein the detector monitors and/or detects emissions from an enclosure.**” (emphasis added) Claim 42 was rejected on page 7 of the Examiner’s rejection over Rein in view of Benda. As admitted by the Examiner, Rein is directed to monitoring and reporting air temperatures in a room in an office building. Rein teaches nothing in regards to monitoring any data relating to an enclosed material or the monitoring or detection of emissions from an enclosure. Likewise, Benda fails to disclose anything in relation to monitoring an enclosed material. Benda’s air sensors are AC powered and, like Rein, only monitor general air environment conditions, not an emission from an enclosure or an enclosed material as claimed. Neither reference teachings monitoring anything other than the general air in an office building for the comfort and safety of employees. Indeed, following the Examiner’s improper logic that a building or a room is an “enclosure” as used in the present application (even though the claim actually reads “enclosed material”), for Rein and/or Benda to invalidate the present claims they would have to teach sensors, **not in** the rooms (“enclosure”) of an office building (“enclosure”) as disclosed by both, but include sensors **outside the rooms or buildings** to detect “emissions from the enclosure.” The Examiner’s logic is flawed and rejection is improper. Besides, the claim language does not read an “enclosure,” but an “enclosed material.”

Moreover, as set for the above, the combination of Rein and Benda yields an AC powered transmission system which transmits data over AC power lines. Claim 42, dependent on Claim 33, is directed to, *inter alia*, a “transmitter operable when voltage from the battery is applied thereto . . . the transmitter wirelessly transmitting signals.” The Examiner has failed to

establish a *prima facie* case of obviousness. Withdrawal of the rejection and allowance of claim 42 is requested.

Claim 43 is directed to the system according to Claim **42 (and 33)**, “**wherein the detector further monitors and/or detects temperature.**” (emphasis added) Thus, Claim 43 describes a detector which monitors and detects temperature plus emissions from an enclosure. Claim 43 was rejected on page 7 of the Examiner’s rejection over Rein in view of Benda. As admitted by the Examiner, Rein is only directed to monitoring and reporting air temperatures in a room in an office building. Rein teaches nothing in regards to monitoring any data relating to an enclosed material or the monitoring or detection of anything in addition to air temperatures. And asserting air is an enclosed material in light of the present specification is unreasonable. Likewise, Benda fails to disclose anything in relation to monitoring an enclosed material. And Benda’s air sensors only detect a single condition at a time, *i.e.*, Benda does not disclose a sensor that detects two or more conditions and/or events. Benda’s sensors are AC powered and, like Rein, only monitor general air environment conditions, not two or more conditions or an enclosed material as claimed. Neither reference teachings monitoring anything other than the general air in an office building for the comfort and safety of employees. (See discussion above relating to Claim 42.)

Moreover, as set for the above, the combination of Rein and Benda yields an AC powered transmission system which transmits data over AC power lines. Claim 43, dependent on Claim 42 (33), is directed to, *inter alia*, a “transmitter operable when voltage from the battery is applied thereto . . . the transmitter wirelessly transmitting signals.” The Examiner has failed to establish a *prima facie* case of obviousness. Withdrawal of the rejection and allowance of claim 43 is requested.

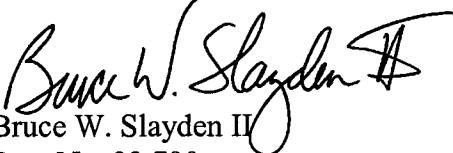
CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of Claims 1-10, 19-21, 23-35, 38-43 as previously submitted.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2606.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants


Bruce W. Slayden II
Reg. No. 33,790

Date: October 24, 2006

SEND CORRESPONDENCE TO:

BAKER BOTTS L.L.P.

CUSTOMER ACCOUNT NO. **31625**

512.322.2606

512.322.8383 (fax)